



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

NOV 10 2014

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5966 0416**

Mr. Joseph E. Coffey, Jr., P.E., Commissioner  
Department of Water and Water Supply  
City of Albany  
10 N. Enterprise Drive  
Albany, New York 12204

RE: Request for Information (RFI) Pursuant to Section 308 of the Clean Water Act  
City of Albany Municipal Separate Storm Sewer System (NYR20A464)  
Docket No. CWA-IR-15-009

Dear Mr. Coffey:

The United States Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Clean Water Act (CWA or Act), 33 U.S.C. §§ 1251 *et seq.* Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

The City is hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit to EPA the following no later than **forty-five (45) calendar days** of receipt of this RFI:

1. Documentation with accompanying photographs of any **additional** measures taken to address each of the Potential Violations and Areas of Concern specified in the enclosed Audit Report beyond what has already been submitted to EPA as summarized in Table 3 of the Audit Report; and
2. A revised and up-to-date Stormwater Management Program (SWMP) Plan.

All information required to be submitted by this Request for Information shall be sent by certified mail or its equivalent to the following address:

Doughlas McKenna, Chief  
Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

Any documents to be submitted by the City must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations.”

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the Audit Report detailing EPA's findings from the June 3, 2014 to June 5, 2014 Audit of the City of Albany MS4.

If you have any questions regarding this Request for Information or the enclosed Inspection Report, please feel free to contact Kimberly McEathron of my staff via phone at (212) 637-4228 or via email at [mceathron.kimberly@epa.gov](mailto:mceathron.kimberly@epa.gov).

Sincerely,



Douglas McKenna, Chief  
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC  
Andrea Dzierwa, Regional Water Engineer, NYSDEC, Region 4  
Mary Barrie, NYSDEC Region 4 (electronic)  
Maryella Davenport, City of Albany (electronic)



United States Environmental Protection Agency  
Washington, D.C. 20460  
**Water Compliance Inspection Report**

Form Approved.  
OMB No. 2040-0057

**Section A: National Data System Coding (i.e., PCS)**

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N Y R 2 0 A 4 6 4 11 12 1 4 0 6 0 5 17 18 > 19 R 20 1					
Remarks					
2					
66					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	B1	QA	Reserved	
6 3 69 70 71 72 73 74 7 80					

**Section B: Facility Data**

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
City of Albany – Municipal Separate Storm Sewer System Department of Water and Water Supply, City of Albany 10 N. Enterprise Drive, Albany, NY 12204	8:00 AM 06/03/2014	05/01/2010
	Exit Time/Date	Permit Expiration Date
	12:00 PM 06/05/2014	04/30/2015
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Ms. Maryella Davenport, Stormwater Coordinator Department of Water and Water Supply, City of Albany 10 N. Enterprise Drive, Albany, NY 12204 Phone: 518-209-1032		
Name, Address of Responsible Official/Title/Phone and Fax Number(s)		
Mr. Joseph E. Coffey, Jr., P.E., Commissioner Department of Water and Water Supply, City of Albany, 10 N. Enterprise Drive, Albany, NY 12204 Phone: 518-209-1032		
Contacted		
X Yes No		

**Section C: Areas Evaluated During Inspection (Check only those areas evaluated)**

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Flow Measurement	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Sludge Handling/Disposal	<input checked="" type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> Multimedia
<input type="checkbox"/> Effluent/Receiving Water	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Other:

**Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)**

See attached compliance evaluation inspection report for inspection findings.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
 Kimberly McEathron, Physical Scientist	EPA/DECA-WCB/ (212) 637-4228 FAX: x3953	11/3/2014
Signature of Management Q/A Reviewer	Agency/Office/Phone and Fax Numbers	Date
 Justine Modigliani, P.E., Compliance Section Chief	EPA/DECA-WCB/ (212) 637-4268 FAX: x3953	11/4/14

**Municipal Separate Storm Sewer System (MS4) Audit  
City of Albany (NYR20A464)  
June 3, 2014 through June 5, 2014**

**Prepared by:**

**United States Environmental Protection Agency Region 2  
290 Broadway  
New York, New York 10007**

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## **1. INTRODUCTION**

On June 3, 2014 through June 5, 2014, the United States Environmental Protection Agency (EPA), Region 2, conducted a program evaluation, or Audit, of the City of Albany (City) Municipal Separate Storm Sewer System (MS4). EPA is granted the authority to conduct the Audit through 40 C.F.R. 122.41(i). Ms. Kimberly McEathron of EPA Region 2 led the Audit. The representatives involved in the Audit were the following:

City of Albany Representatives:	Maryella Davenport, Stormwater Coordinator/Officer, Dept. of Water, 518-209-1032; Lisa Merwin, City of Albany, 518-209-1032; Justin Schievelbein, Water and Sewer Foreman, Dept. of Water, 518-229-2007; Steve Apisa, Facilities Manager, Dept. of Water; Dave Principio, Hackett Park Supervisor, City of Albany; Sean Moran, Mechanic, City of Albany; Daniel C. Mirabile, Commissioner, Dept. General Services, 518-434-2489; Daniel W. DiLillo, Asst. Commissioner, Dept. General Services, 518-434-2489; Joe Giebelhaus, Landfill/Composting Operations, City of Albany; and Scott Gallup, Capital Hills at Albany, City of Albany
Other Representative:	Nancy Heinzen, Program Coordinator, Stormwater Coalition of Albany County, 518-447-5645
NYSDEC Representative:	Mary Barrie, MS4 Coordinator, NYSDEC Region 4, 518-357-2044
EPA Representatives:	Kimberly McEathron, Physical Scientist, EPA Region 2, 212-637-4228; and Katherine Mann, Physical Scientist, EPA Region 2, 212-637-4226

The purpose of the Audit was to determine the City's compliance with the terms of its New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from MS4s ("MS4 General Permit" or "Permit") and to evaluate the current implementation status of the City's stormwater management program. Prior to, during and after the Audit, EPA Region 2 reviewed program materials received from the City (see Attachment A). For this Audit, EPA Region 2 evaluated specific aspects of each Minimum Control Measure (MCM): Public Education and Outreach, Public Involvement and Participation, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management, Pollution Prevention and Good Housekeeping for Municipal Operations and Illicit Discharge, Detection and Elimination. EPA Region 2's Audit included in-field verification of program implementation. At the conclusion of the Audit, EPA held a closing conference with the City and discussed areas of concern and potential violations identified.

## **2. HISTORY & BACKGROUND**

The State of New York is the delegated permitting and enforcement authority for the National Pollutant Discharge Elimination System (NPDES) or SPDES program. NYSDEC is the

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delegated agency that implements the SPDES program and as such, issued a SPDES General Permit for Storm Water Discharges from MS4s.

On July 1, 2003, the City of Albany submitted a Notice of Intent (NOI) to NYSDEC and subsequently, received coverage under the MS4 General Permit (GP-02-02) (NYR20A190), which became effective on January 8, 2003 and expired on January 8, 2008. The NYSDEC issued the City of Albany an Acknowledgement of Notice of Intent dated July 15, 2003. Permit coverage remained in full force and effect and was automatically carried over upon the reissuance of MS4 General Permit (GP-08-002), which became effective on May 1, 2008 and expired on April 30, 2010. Upon expiration, permit coverage was automatically carried over to the current permit, MS4 General Permit (GP-0-10-002) (MS4 General Permit or Permit), which became effective on May 1, 2010 and expires on April 30, 2015.

The City of Albany has a population of approximately 97,904 and consists of 21.4 square miles of land. The City's MS4 outfalls discharge stormwater directly to the Hudson River as well as to the Krumkill, Patroon Creek and Normanskill Creek, which are Hudson River tributaries.

A portion of the City of Albany is a SPDES permitted Combined Sewer System (NY0025747) with Combined Sewer Overflow (CSO) Outfalls. Although SPDES compliance for the City's Combined Sewer System (CSS) was not evaluated as part of this Audit, information regarding operation and maintenance of the City's system as a whole was obtained.

### **3. AUDIT FINDINGS**

#### **A. Program Components**

According to City representatives, the initial Stormwater Management Coordinator was Justin Schievelbein, Water and Sewer Foreman and the current Stormwater Management Coordinator, Maryella Davenport, assumed the role in 2012. Ms. Davenport is tasked with coordinating the implementation of the City's Stormwater Management Program (SWMP). At the time of the Audit, the City provided EPA with the City's SWMP Plan dated May 22, 2013. The City's SWMP Plan includes measurable goals and implementation tasks with deadlines for each component of the City's six (6) Minimum Control Measures (MCMs) of the SWMP.

According to the Coalition representative, the Albany County Stormwater Coalition (Coalition) was formed in 2009, operates out of the Albany County office and at the time of the Audit consisted of two (2) full-time employees. At the time of the Audit, the Coalition had twelve (12) member municipalities, including the City of Albany, Town of Bethlehem, City of Cohoes, Town of Colonie, Village of Colonie, Village of Green Island, Town of Guilderland, Village of Menands, Town of New Scotland, City of Watervliet, Albany County and the University at Albany – SUNY Uptown Campus. The current Intermunicipal Agreement between the Coalition members became effective January 1, 2013 and expires December 31, 2015. This agreement includes member fees which fund the Coalition and specifies the responsibilities of the Coalition including applying for and administering MS4 relevant grants and facilitating the coordination of MS4s across municipal boundaries.

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According to the Coalition representative, the Coalition, in coordination with member municipalities, developed a SWMP Plan template using a web-based permit manager for Coalition members to tailor and develop into individual SWMP Plans.

The Coalition developed a Target Audience Worksheet to aid members of the Coalition in identifying Pollutants of Concern (POC), Geographic Areas of Concern (GOC), Waterbodies of Concern (WOC) and a Target Audience for the specific MS4. According to the City's developed Target Audience Worksheet, the Krumkill watershed is a WOC and GOC. According to City representatives, another GOC is the Patroon Creek with a focus on pet waste and POC include sediment and toxic substances, specifically from uncovered dumpsters.

Public Education and Outreach / Public Involvement and Participation

According to the City's SWMP Plan and submitted Annual Reports, the Coalition and City utilize an email list-serve, public events/presentations, school programs, direct mailings, printed materials, Coalition website and two (2) kiosks located at the Water Department as part of the City's public education and outreach program. At the time of the Audit, one of the kiosks at the City's Water Department had pamphlets titled "Construction Site Stormwater Runoff Control...How to Prevent Water and Storm Sewer Pollution", "Concrete and Mortar Operations...How to Prevent Water and Storm Sewer Pollution", "Automotive and Related Industries... How to Prevent Water and Storm Sewer Pollution", "Mobile Cleaners: Carpet, Upholstery, Cleaners, Janitorial Service Providers... How to Prevent Water and Storm Sewer Pollution", "Pools, Fountains and Spas... How to Prevent Water and Storm Sewer Pollution", and "Pesticide Application, Lawn Care and Landscaping... How to Prevent Water and Storm Sewer Pollution", "Hospitals, Medical Treatment Centers & Healthcare Facilities...How to Prevent Water & Storm Sewer Pollution", "Food & Restaurant Industries...How to Prevent Water & Storm Sewer Pollution", and "Roadwork & Paving...How to Prevent Water & Storm Sewer Pollution".

According to City representatives and submitted Annual Reports, the City and residential organizations have installed at least one hundred and sixty-nine (169) catch basin stenciling curb markings within the City primarily along New Scotland Avenue and within the Buckingham Pond neighborhood.

The City has a pet waste management program which includes installed signage, waste bags and trash containers in all four (4) of the City's dog parks (Westland Hills Park, Hartman Road, Normanskill Farm and Department of General Services). According to the City, Animal Control issues approximately 100 to 150 tickets regarding pet waste a year. According to City representatives, any issues regarding geese or geese feeding is referred to the NYSDEC by the City.

For public involvement and participation, the Coalition's SWMP Plan is posted on the Coalition website and there is a link for public comments and/or complaints. In addition, the Coalition posts public education and outreach materials on the Coalition website and tracks visitors to the website. According to the Google Analytics information provided by the Coalition, the



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Coalitions website received 677 unique visitors in Annual Reporting year 2013 and 1,144 unique visitors in Annual Reporting year 2014.

According to City representatives, almost all residential complaints are received by the Water Department dispatch which answers calls 7 AM to midnight. Between midnight and 7 AM, an answering service receives residential complaints. Dispatch or the answering service contact the relevant Water Department foreman who is on call 24 hours a day 7 days a week. A report is written for all complaints received and the responding foreman writes a report detailing what work was done as part of the response. According to the Coalition representative, the Coalition also receives residential complaints through the website and then forwards the complaints to the relative member stormwater contacts.

Construction Site Stormwater Runoff Control

According to the City's construction site inventory, at the time of the Audit there were seventeen (17) construction sites within the City MS4 area with active NYSDEC SPDES Construction General Permits. According to City representatives, the City periodically checks the NYSDEC construction site database to confirm the accuracy of the City's inventory.

According to City representatives, the City holds a pre-construction meeting with all construction site developers prior to the start of construction but does not document this meeting. According to City representatives, Maryella Davenport completes all Stormwater Pollution Prevention Plan (SWPPP) reviews. According to training documentation provided by the City, Ms. Davenport is a Certified Professional in Erosion and Sediment Control (CPESC) and attended stormwater, soil erosion and sediment control training on March 19, 2014 and May 9, 2012, among other related stormwater training events. According to City representatives, all construction sites within the combined sewer portion of the City, even those less than one (1) acre are required to retain a ten (10) year storm on-site and the City reviews the construction plans. For construction sites in the MS4 portion of the City, plans are reviewed by the City only for sites greater than or equal to one (1) acre. At the time of the Audit, the City had developed written SWPPP Review Procedures and a SWPPP Application Review Checklist for documenting SWPPP review. According to City representatives, the SWPPP review has been utilizing the checklist since November 2013. According to City representatives, the SWPPP reviewer writes comment letters and signs the MS4 SWPPP acceptance form once the SWPPP has been deemed acceptable. Correspondence, checklists, forms and site plans are maintained at the City office and filed based on address. According to City representatives, the City Building Department confirms that all City Departments have signed off on a project prior to the Building Department's final approval.

According to City representatives, Maryella Davenport, CPESC and Justin Schievelbein conduct construction site inspections but Lisa Marwin, who was hired just prior to the Audit, will also conduct construction site inspections within the City. According to training documentation provided by the City, Mr. Schievelbein attended stormwater, soil erosion and sediment control trainings on May 20, 2009 and May 21, 2009, among other relevant training events.

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At the time of the Audit, the City had written Construction Site Stormwater Inspection Procedures dated May 31, 2014, including completing an inspection report and confirming 4-hour training erosion and sediment control certification card for the on-site manager. According to City representatives, the City conducts a comprehensive formal stormwater inspection at all active SWPPP construction sites on an at least annual basis and inspectors are at the sites more frequently during various stages of development but is not documented. According to City representatives, an inspection report is not written by the City for each site visit. The City maintains copies of the inspection reports electronically and linked with GIS.

At the time of the Audit, the City had written Stormwater Enforcement Procedures. According to the City's Stormwater Enforcement Procedures, enforcement escalation procedures begin with a letter to the developer to inform them of the deficiencies, then a Notice of Violation and then a Stop Work Order if the problem hasn't been addressed. According to City documentation, the City has assigned three (3) construction sites an inspection rating of "unsatisfactory" and issued four (4) Notices of Violation (NOV) (Marathon Pointe and three to 101 Raft Street) and one (1) Cease and Desist (Marathon Pointe) in the past five (5) years.

According to City representatives, when a construction site is complete the City conducts a final inspection and signs the MS4 Acceptance statement on the Notice of Termination (NOT) if the site is deemed adequate. At the time of the Audit, there were approximately eight (8) construction sites that have been completed but had not filed a NOT.

On August 4, 2008, the City adopted Ordinance Chapter 133 Article XIV, Stormwater Management and Erosion Control, which includes stormwater management and erosion and sediment control, SWPPP development, design standards, the maintenance, inspection and repair of stormwater facilities and includes enforcement and penalties for failing to adhere to these requirements. On July 3, 2014, the City submitted to EPA a letter dated July 3, 2014 from Peter D. Apostol, Assistant Corporation Counsel, certifying Chapter 133 Article XIV as equivalent to New York State's Model Local Law.

At the time of the Audit, the City did not have an inventory of post-construction stormwater management practices that have been installed since March 10, 2003, those owned by the City and those found to cause or contribute water quality violations. According to City representatives, the City has maintained site plans for post-construction stormwater management practices that have been installed since 2009. According to the City's SWMP Plan, post-construction inspections are to be completed at least annually. According to the City's 2014 Annual Report, the City has completed inspections and maintenance at one (1) post-construction practice located at The Reserve at Whitehall Pointe. According to City representatives, preventative maintenance includes mowing and removing trees.

Pollution Prevention and Good Housekeeping for Municipal Operations

The City maintains an inventory of all City owned properties and catch basins in GIS. According to City representatives, the City MS4 includes approximately 1,729 catch basins. The City's SWMP Plan states that the City will clean out catch basins as described in their SPDES CSO

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Permit. According to City representatives, catch basins throughout the City are inspected and cleaned as needed using a vacuum truck and clamp truck. According to City representatives, approximately 200-300 total catch basins in the combined and separate sewer portions of the City are targeted in problem areas to be inspected and cleaned on an annual basis. According to City representatives, material removed from catch basins and street sweeping is brought to the landfill for disposal. Catch basin inspection and cleaning is documented on reports and in an electronic spreadsheet. According to documentation provided by the City, the City cleaned 318 catch basins in 2011, 194 in 2012, 191 in 2013 and 83 in a portion of 2014.

The City maintains 224.75 centerline miles of streets and 15.7 acres of parking lots. The City's SWMP Plan states that the City of Albany will sweep 100% of jurisdictional road miles one time per reporting year. According to City representatives and the submitted Annual Reports since 2013, the City sweeps all City maintained streets on an at least weekly basis. The City's SWMP Plan states that the City of Albany will sweep 0% of jurisdictional parking lot acreage 0 times. According to City representatives, seven (7) of the main parking lots are swept weekly while others are done twice a week, once every two weeks, once a month or once every two months using wet sweepers.

According to City representatives and observations at the time of the Audit, salt is stored in a salt shed at the Department of General Services facility and in satellite salt storage sheds at the City golf course and landfill. According to City representatives, the City utilizes salt for road applications and hasn't mixed in pre-salt additions since January 2014. The City's SWMP Plan states "The City of Albany will annually track, record and save road salt usage data." According to documentation provided by the City, the City used 9,221 tons of salt in 2009, 7,250 tons in 2010, 10,198 tons in 2011, 5,725 in 2012 and 10,732 in 2013.

According to City representatives, City vehicles are washed at the Department of General Services (DGS) building, indoors and washwater is discharged to the sanitary sewer with the exception of large salt trucks and DGS vehicles which are contracted out for washing. The Water Department has its own vehicle wash bay which is also connected to the sanitary sewer. According to City representatives, all City vehicles are fueled at the Department of General Services building. According to City representatives, minor vehicle maintenance is performed at the landfill, the Department of Recreation repair shop located in the combined sewer portion of the City and at the Department of General Services facility. According to City representatives, any major vehicle repair work is contracted out.

According to City representatives and the training attendance sheets provided, stormwater related in-house training was held for City employees in 2010, 2013 and 2014. The various trainings included Illicit Discharge Detection and Elimination (IDDE), spills and skills, rain check, SWPPP and MS4 training and the storm watch video. According to the attendance sheets provided, the trainings were attended by 16 Department of Recreation employees, 16 landfill employees, 51 Albany Water Department employees, 1 Albany Police Department employee, 2 Fire Department employees and 186 Department of General Services employees.

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According to City representatives, the City coordinates household hazardous waste and electronics collection and disposal for City residents. According to documentation provided by the City, there are nine (9) household hazardous collection dates held in 2014 at the landfill. In addition, a permanent collection for electronics is located at the Department of General Services facility. According to Household Hazardous Waste Collection and Storage Facility Report provided by the City for calendar years 2009 to 2013:

1. 2009 – 1,460 participants, 45,223 gallons of hazardous materials and 644 televisions;
2. 2010 – 1,199 participants, 37,936 gallons of hazardous materials and 55,674 pounds of electronics;
3. 2011 – 1,382 participants, 35,113 gallons of hazardous materials;
4. 2012 – 1,373 participants, 46,233 gallons of hazardous materials; and
5. 2013 – 1,218 participants, 37,639 gallons of hazardous materials collected.

The City owns and operates a composting facility at the DGS facility and accepts yard and landscaping waste from City residents. The City also collects yard debris curbside from residents, with the exception of greater than four (4) unit dwellings, during normal waste collections on a weekly basis. City residents can pick up the compost for free at a thirty (30) gallon limit per visit. According to City representatives, road kill is handled by Animal Control and the Department of General Services which is brought to the landfill for disposal.

The City collects residential waste and recycling on a weekly basis within the City, with the exception of greater than four (4) unit dwellings who must contract out for private haulers and collectors. The residential waste is brought to the landfill and recycling is brought to a processing facility.

The City of Albany Landfill, located at 525 Rapp Road, Albany, New York, is owned/operated by the City of Albany. The City of Albany obtained coverage for the landfill under a SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) (SPDES ID No. NYR00D198) on December 27, 2006 for stormwater discharges to Lake Rensselaer (Hudson River tributary) from four (4) outfalls associated with the 138.6 acre facility. See EPA's Compliance Evaluation Inspection report for more details regarding the findings from EPA's inspection of the City of Albany Landfill conducted on June 4, 2014.

The City maintains over 2,000 acres of land for recreational use, including fifty-five (55) municipal parks. According to City representatives, twenty-six (26) of those parks are located within the MS4 portion of the City and all restroom facilities are connected to sanitary sewers. The Department of Parks and Recreation maintains the restroom facilities and keeps limited cleaning supplies in small cabinets. Garbage is removed from City facilities and parks by DGS and brought to the DGS until a container is full and is then is brought to the landfill for disposal.

City Ordinance Chapter 259 "Pesticides" was adopted on December 7, 1998 and was amended on June 6, 2011. A Pest Management Board was formed under the Ordinance and the purpose was to phase out pesticide use and adopt a control policy that substantially reduces chemical controls. The Ordinance prohibits the application of Toxicity Category I pesticides to City

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properties and reduction requirements for general pesticide use on City property unless a waiver is granted.

According to the City representative, the Capital Hills Golf Course has received a waiver under Chapter 259 and annually submits a pesticide application plan to the Pest Management Board. The City employs two (2) certified and licensed pesticide applicators and contracts Erlich Pest Control to apply the pesticides at the golf course. The pesticide application documentation provided at the time of the Audit for 2011 through 2013 included the product, type of product, EPA regulation number, category, quantity used, location of application and target.

According to City representatives, in addition to what is applied to the golf course the City infrequently applies fertilizer and contracts licensed applicators for pesticide applications.

The 2013 and 2014 Annual Reports submitted by the City are listed blank for phosphorus and nitrogen applied in chemical fertilizer and for pesticide/herbicides applied.

The City provided EPA with documentation of self-assessments conducted at the Albany Police Department Headquarters, Albany Police Training Center, Fire Department Engine 9, Fire Department Maintenance Facility, Albany Police South Station, Fire Department Engine 5, Fire Department Engine 10, Albany Parking Authority 25 Orange, Albany Parking Authority Columbia Street, Albany Parking Authority Green Street and Hudson, Albany Police Center Station, Ridgefield Park, Swmburn Park, Bleeker Station, Arbor Hill, City Boxing Center, Hoffman Avenue, Lincoln Park Pool and Mater Christi Pool parks and the Albany Police Department Communications facility conducted in 2012, 2013 and March 2014.

Illicit Discharge, Detection and Elimination

The City's written Illicit Discharge, Detection and Elimination (IDDE) Policies and Procedures dated May 29, 2014 include procedures for identifying priority areas of concern, responding to complaints, conducting Outfall Reconnaissance Inventory, equipment inventory, track down, elimination of illicit discharges and documenting actions.

On January 24, 2008 the City adopted City Ordinance Chapter 133 Article XIII, Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, which prohibits illicit discharges into the City's MS4 and includes enforcement and penalties for identified illicit connections. On July 2, 2014, the City submitted to EPA a letter dated July 1, 2014 from Peter D. Apostol, Assistant Corporation Counsel, certifying Chapter 133 Article XIII as equivalent to New York State's Model Local Law.

City MS4 associated catch basins, manholes, pipes and outfalls as well as relevant watershed boundaries were mapped by the Coalition using the Albany Internet Mapping System (AIMS) GIS software program and City of Albany GIS software. According to City representatives, the City's MS4 consists of ninety-one (91) outfalls. According to the Coalition representative, the Spatial Analyst tool in GIS was used with LIDAR imagery and the catch basin inventory to

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develop a map of the sewer shed boundaries within the City. According to City representatives, all MS4 outfalls have been field verified as part of the mapping and inspection process.

According to submitted Annual Reports and documentation provided at the time of the Audit, the City conducted dry weather screening at 3 outfalls in reporting year 2010, 17 in 2011, 19 in 2012, 16 in 2013 and 10 in 2014. According to City representatives, the City targets locations for screening by watershed and have focused on the Patroon Creek watershed. According to City representatives, approximately thirty (30) previously unmapped stormwater outfalls were identified at the City golf course (Capital Hills at Albany) in 2014. According to City and Coalition representatives, the Albany County Sewer District in partnership with the Coalition provides the City with an IDDE kit containing sampling equipment for IDDE routine inspections and investigations. In addition, the City has a camera truck for televising sewer lines.

According to City representatives, for hazardous spills the City Fire Department follows the Albany County Hazardous Materials Emergency Response Plan dated August 21, 2008, which includes training, prevention, response, clean up, reporting and documentation. The City provided EPA with written procedures for responding to, cleaning up, documenting and reporting non-hazardous spills using spill kits.

At the time of the Audit, the City provided EPA with documentation regarding three (3) confirmed illicit connections and discharges to the MS4 in the past five (5) years, all of which have been eliminated. The illicit discharges were identified at commercial establishments located at 60 Commerce Avenue, 45 Industrial Park Road and 151 Montgomery Street. In all three (3) instances, the City conducted an investigation including a dye test, issued a notification to cease the illicit discharge and conducted follow up to ensure the connection had been removed. According to documentation, the 60 Commerce Avenue and 45 Industrial Park Road illicit discharges were identified and eliminated in 2009 and the 151 Montgomery Street illicit discharge was identified in 2013 and eliminated in 2014 prior to the Audit.

## **B. Field Observations**

During the Audit, EPA inspectors observed nine (9) municipal facilities, one (1) construction site and twenty-one (21) MS4 outfalls. EPA's findings and observations from each field location are summarized below in Table 1. Weather conditions on June 4, 2014 through June 5, 2014 were approximately 70°F and dry. Photographs of the notable observations at the City facilities, construction site and outfalls are included in Attachment B.

**Table 1**

<b>Name (SPDES No.)</b>	<b>Location (Lat., Long.)</b>	<b>Notable Observations</b>	<b>Date of Visit</b>
<b>City Municipal Facilities:</b>			
Water Department	10 N. Enterprise Drive, Albany NY 12204 (42.670951,-	1. Floor plan with drainage dated 9/19/2011 2. Two trench drains in parking area, 3 <sup>rd</sup> trench drain in washbay of garage 3. 40-50 vehicles cleaned weekly and stored	6/4/2014

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	73.732424)	<p>in building for water and traffic departments, foreman, police</p> <ol style="list-style-type: none"> <li>4. Trench drains to oil/water separator cleaned ~4x a year (by 3<sup>rd</sup> party Blue Diamond) then to sanitary sewer</li> <li>5. Oil/water separator looked low at time of Audit</li> <li>6. Small spray paint cans on shelves, vehicle parts, flammable materials cabinet,</li> <li>7. Spill kits on-site</li> <li>8. 92 vehicles maintained in mechanic shop, no floor drains in shop</li> <li>9. Hydraulic oil, engine oil drums on spill pallets</li> <li>10. Sink in shop to temporary storage tank which is emptied to trench drain</li> <li>11. Used oil tank outside temporarily covered, uphill from unprotected catch basin</li> <li>12. Stock piles and waste on unpaved portion outside</li> <li>13. Stormwater runoff pools onsite, flows down driveway, or flows to MS4 on N. Enterprise Drive via catch basins and pipes onsite</li> </ol>	
Hackett Park	41 North 1 <sup>st</sup> Street, Albany NY 12204 (42.671503,- 73.742123)	<ol style="list-style-type: none"> <li>1. Open June 1<sup>st</sup> to end of September</li> <li>2. Playground, tennis courts, basketball courts</li> <li>3. Public bathrooms and one bay garage</li> <li>4. No maintenance work performed</li> <li>5. Floor drains in bathroom</li> <li>6. Stormwater runoff down driveway to MS4 on 1<sup>st</sup> Street</li> </ol>	6/4/2014
Albany Fire Department Repair Shop	1201 Broadway (rear), Albany NY 12204 (at 20 Erie Street) (42.6703,- 73.73737)	<ol style="list-style-type: none"> <li>1. 4 floor drains in vehicle bay</li> <li>2. Roof drains to floor drains to bathroom then to sanitary</li> <li>3. Floor drains back up when it rains</li> <li>4. Originally built in 1910</li> <li>5. No oil/water separator</li> <li>6. Maintenance conducted on ~50 fire department vehicles and 2 boats</li> <li>7. Used antifreeze and oil drums on spill pallets</li> <li>8. 250 gallon engine oil tank</li> <li>9. Oil absorbent cloths onsite</li> <li>10. Wash vehicles with detergent inside and</li> </ol>	6/4/2014

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		<p>outside</p> <ol style="list-style-type: none"> <li>11. Uncovered dumpster outside containing waste and leaking uphill from catch basin</li> <li>12. Stormwater flows down the driveway and to MS4 on Erie Street</li> </ol>	
Department of General Services, Dog Park	1 Richard Conners Boulevard, Albany NY 12204 (42.672954,-73.732059)	<ol style="list-style-type: none"> <li>1. Floor plan with drainage dated 4/17/1989</li> <li>2. Built on closed landfill</li> <li>3. Dog park adjacent to buildings, fenced with dog bag container and educational signs</li> <li>4. Electronics recycling permanent collection outside building, some hazardous waste left there (“orthoweed be gone”) removed by employee to landfill, collection located uphill from catch basins on Richard Conners Blvd, crews daily check drop offs, once a week 3<sup>rd</sup> party Maven Technologies collect electronics</li> <li>5. 9 floor drains to oil/water separator then to sanitary sewer</li> <li>6. Vehicle washing with detergent and power washer conducted in bays</li> <li>7. 4 spill kit stations on-site</li> <li>8. Waste oil and hydraulic oil tanks on spill pallets</li> <li>9. Insecticide soaps and fertilizers onsite</li> <li>10. Trench drain at loading dock outside to catch basin</li> <li>11. Fuel island roofed with spill kit</li> <li>12. 10,000 and 6,000 gallon unleaded UST, 10,000 gallon diesel UST</li> <li>13. Recycling trucks parked outside under roof overhangs, ~12 bays</li> <li>14. Salt shed with 3,500 ton capacity</li> <li>15. Construction debris used as “clean” fill with berms around it</li> <li>16. Stormwater flows down driveways to MS4 on Richard Conners Blvd</li> </ol>	6/4/2014
Composting Facility	1 Richard Conners Boulevard, Albany NY 12204 (42.672954,-73.732059)	<ol style="list-style-type: none"> <li>1. 500’ x 500’ concrete pad with ~4,000 yards of compost and wood chips</li> <li>2. Water added to compost</li> <li>3. Stormwater runoff south to roadside ditch and into MS4 or east to a ditch, through a culvert and into MS4</li> <li>4. Jersey barrier and silt fencing along south</li> </ol>	6/4/2014



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		<p>edge of concrete pad with space at electrical building</p> <ol style="list-style-type: none"> <li>5. Water observed flowing beyond jersey barriers and silt fencing and into ditch containing brown water</li> <li>6. Located on closed landfill</li> <li>7. Stormwater runoff flows to one of 2 drainage ditches that enter the MS4 on Richard Conners Blvd</li> </ol>	
Capital Hills Golf Course	65 O'Neil Road, Albany NY 12208 (42.651163,- 73.821087)	<ol style="list-style-type: none"> <li>1. Catch basins in parking lot</li> <li>2. Cart Barn stores 66 gasoline vehicles, between each use carts are rinsed without detergent outdoors to catch basin at hole 9, pipe day lights uphill from seasonal creek to Normanskill Creek</li> <li>3. Soda can recycling container next to drain, soda can observed being emptied into drain</li> <li>4. Pickup truck with 90 gallon tank used to fill carts</li> <li>5. Wood chip, debris, yard waste, soil, sand, wood, rip rap, compost stock piles uphill from NYSDOT drainage swale along the Thruway</li> <li>6. Covered salt storage shed, satellite for DGS</li> <li>7. ~40-50 acres of stormwater runoff to irrigation pond with pump house (~1.4 million gallons a day used)</li> <li>8. Restroom at Club House connected to the sanitary sewer, restroom at maintenance facility goes to septic tank and leach field</li> <li>9. Community garden and dog park onsite</li> <li>10. Equipment (mowers) rinsed daily outside at Maintenance building, rinse water drains to catch basin then pipe outlets to vegetated hill 150 yards uphill from storm drain</li> <li>11. 500 gallon diesel and 500 gallon gasoline tanks outside without roof</li> <li>12. Locked up pesticide storage shed</li> <li>13. Golf course received exemption for pesticide applications, annually submit an application plan to pesticide committee</li> <li>14. Certified and licensed pesticide</li> </ol>	6/4/2014

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		<p>applicators are City employees</p> <ol style="list-style-type: none"> <li>15. 4 catch basins at maintenance facility drain to pipe out hill</li> <li>16. Covered dumpster</li> <li>17. Engine oil, hydraulic oil, used oil containers without secondary containment, oil spills in maintenance garage, leaking roof, uphill from catch basin</li> <li>18. Outfalls as listed below</li> <li>19. 30 acres of grasses</li> <li>20. Stormwater runoff discharges enter the Normans Kill via MS4 outfalls</li> </ol>	
Normanskill Farm (aka Stevens Farm)	<p>5 Mill Road, Albany NY 12209 (at Normanskill Drive)  (42.635813,-73.802317)</p>	<ol style="list-style-type: none"> <li>1. 5 police horses</li> <li>2. Barn, pasture, manure storage pile</li> <li>3. Trench drain at barn entrance, catch basin downhill of manure storage pile, catch basin at base of pasture hill</li> <li>4. Community garden and dog park</li> <li>5. Subsequent to the Audit, City representatives confirmed via dye testing that the catch basin south of the pasture discharges stormwater to the top of a vegetated hill south of the Farm and the catch basin downhill from the manure storage pile discharges stormwater west to a detention basin located on-site</li> </ol>	6/4/2014
City of Albany Landfill (NYR00D198)	<p>525 Rapp Road, Albany NY 12205  (42.708504,-73.851793)</p>	See EPA's CEI Inspection Report for the City of Albany Landfill observations	6/4/2014
Pine Bush Police Station	<p>223 Washington Avenue Extension, Albany NY 12205  (42.701427,-73.851385)</p>	<ol style="list-style-type: none"> <li>1. Floor drains in garage</li> <li>2. Oil spills and staining observed on garage floor</li> <li>3. 55 gallon hydraulic oil drums on spill pallets</li> <li>4. 275 gallon hydraulic oil tank in secondary containment</li> <li>5. 500 gallon waste oil tank outside</li> <li>6. Fire boats</li> </ol>	6/4/2014
Old Water Department	<p>35 Erie Boulevard, Albany NY 12204  (42.665405,-73.737381)</p>	<ol style="list-style-type: none"> <li>1. Top soil stockpile covered with tarp and vehicle storage</li> <li>2. No storm drains observed on the property</li> <li>3. Stormwater runoff down driveway, catch basin observed down the road on Erie Boulevard</li> </ol>	6/5/2014

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		4. Uncovered dumpster 5. Traffic storage outside	
<b>Construction Sites:</b>			
Hope House (NYR10Q979)	573 Livingston Avenue, Albany NY 12206 (42.670375,- 73.769428)	1. Sediment deposits in outfall pipe of 2 <sup>nd</sup> discharge basin 2. Adjacent gas line replacement project contributing sediment to existing basin on site 3. Stormwater discharges to one of two basins, discharge outfalls to vegetated hillside, erosion downslope to tributary to Patroon Creek 4. Perimeter silt fencing not keyed into ground 5. Some sediment tracking on road, catch basins on road City MS4 6. Unstabilized soils	6/5/2014
<b>MS4 Outfalls:</b>			
010042	Capital Hills Golf Course (42.643761,-73.82025)	1. Corrugated metal circular 48" pipe 2. Discharges to Normanskill Creek via wetland area 3. No flow at time of inspection	6/4/2014
010043	Capital Hills Golf Course (42.641919, -73.82178)	1. PVC circular 6" pipe 2. Discharges to Normanskill Creek 3. Clear low flow at time of inspection	6/4/2014
010046	Capital Hills Golf Course (42.64163, -73.82628)	1. Corrugated metal circular 24" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010047	Capital Hills Golf Course (42.6414, -73.8264)	1. Corrugated metal circular 24" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010048	Capital Hills Golf Course (42.6417, -73.8296)	1. Corrugated metal circular 18" pipe 2. Discharges to Normanskill Creek 3. Clear flow at time of inspection	6/4/2014
010051	Capital Hills Golf Course (42.6449, -73.81778)	1. Corrugated metal circular 36" pipe 2. Discharges to Normanskill Creek 3. Partially submerged, flow at time of inspection	6/4/2014
010052	Capital Hills Golf Course (42.64516, -73.816212)	1. Corrugated metal circular 18" pipe 2. Discharges to Normanskill Creek 3. Clear low flow at time of inspection	6/4/2014
010054	Capital Hills Golf Course (42.644, -73.815)	1. Corrugated HDPE circular 4" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010055	Capital Hills Golf	1. Corrugated HDPE circular 6" pipe	6/4/2014

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	Course (42.6438, -73.814)	2. Discharges to Normanskill Creek 3. No flow at time of inspection	
010056	Capital Hills Golf Course (42.643146,-73.813663)	1. Corrugated HDPE circular 6" pipe 2. Discharges to Normanskill Creek 3. Clear low flow at time of inspection	6/4/2014
010057	Capital Hills Golf Course (42.642909,-73.813233)	1. Earthen open drainage 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010058	Capital Hills Golf Course (42.6426, -73.81285)	1. Corrugated HDPE circular 15" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010059	Capital Hills Golf Course (42.641788,-73.812225)	1. Corrugated HDPE circular 6" pipe 2. Discharges pool in immediate area then to Normanskill Creek 3. Clear low flow at time of inspection	6/4/2014
010060	Capital Hills Golf Course (42.64122,-73.811688)	1. Corrugated HDPE circular 4" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010061	Capital Hills Golf Course (42.64062,-73.810637)	1. Corrugated HDPE circular 6" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010062	Capital Hills Golf Course (42.640636,-73.81068)	1. Corrugated metal circular 36" pipe 2. Discharges to Normanskill Creek 3. Clear low flow at time of inspection	6/4/2014
010063	Capital Hills Golf Course (42.6402, -73.809)	1. Earthen, open drainage 2. Discharges to Normanskill Creek 3. Clear flow at time of inspection	6/4/2014
010064	Capital Hills Golf Course (42.6395, -73.8085)	1. Corrugated HDPE 12" pipe 2. Discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010095	Capital Hills Golf Course (42.6516, -73.8255)	1. Other 12" pipe 2. Discharges vegetated hillside and wetland on-site which discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010096	Capital Hills Golf Course (42.6514, -73.825)	1. Corrugated HDPE circular 6" pipe 2. Discharges vegetated hillside and wetland on-site which discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014
010097	Capital Hills Golf Course (42.6513, -73.82607)	1. PVC circular 6" pipe 2. Discharges vegetated hillside and wetland on-site which discharges to Normanskill Creek 3. No flow at time of inspection	6/4/2014

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### **C. Annual Report Review**

According to City and Coalition representatives, the Coalition has compiled and submitted to NYSDEC a combined Annual Report that includes information for all Coalition members since 2009. According to the Coalition representative and the City's SWMP Plan, the Coalition documents combined activities to be reported in the Annual Reports, the City submits individual data to the Coalition in April each year, in May the Coalition posts the draft Annual Report to the Coalition website for public comments and by June the Coalition incorporates any comments received and submits the final report to the NYSDEC.

The Audit team also reviewed the dates that the last five (5) Annual Reports were received by NYSDEC. According to the Permit, the annual deadline for submittal of Annual Reports is by June 1 of the reporting year. According to the NYSDEC database, one of the five required Annual Reports was received by NYSDEC after June 1. Below is a summary of when the last five (5) Annual Reports were received by NYSDEC:

**Table 2**

Annual Report Year	Period Covered	Date Report is Due	Date Report Received by NYSDEC	Days Late
2009	March 10, 2008 to March 9, 2009	June 1, 2009	May 28, 2009	Not Late
2010	March 10, 2009 to March 9, 2010	June 1, 2010	June 3, 2010	2
2011	March 10, 2010 to March 9, 2011	June 1, 2011	May 31, 2011	Not Late
2012	March 10, 2011 to March 9, 2012	June 1, 2012	May 31, 2012	Not Late
2013	March 10, 2012 to March 9, 2013	June 1, 2013	May 29, 2013	Not Late

According to Coalition and NYSDEC email documentation, the Coalition notified the NYSDEC on June 1, 2010 that the Annual Report had been mailed on May 28, 2009 and NYSDEC responded that an electronic submission to be received that day was not necessary.

### **D. Addendum:**

EPA inspector McEathron discussed potential violations, areas of concern and recommendations with City representatives at the Closing Conference on June 5, 2014. Subsequent to the Audit and Closing Conference, the City of Albany submitted documentation of actions taken to address what was discussed at the Closing Conference. The various submission are summarized below in Table 3.

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**Table 3.**

<b>Date of Submission</b>	<b>Documentation Submitted</b>
6/20/2014	Hope House Inspection Report and photographs for follow up inspection conducted 6/13/2014 by City, confirmed repaired silt fencing and stock piles consolidated with inactive areas seeded and mulched
6/23/2014	Documentation and photographs of Golf Course spill kit and signage added to cart barn, repair shop fluid storage cleaned and spill containment and spill kit installed, roof repaired; and DGS daily work order janitorial check list showing the addition of the storm drain at the loading dock, inspected on 6/16/2014
6/23/2014	Documentation and photographs of Golf Course spill kit in fueling truck, waste oil tank roof and secondary containment installed
6/23/2014	Documentation and photographs of DGS Composting Facility tool shed moved, open area closed with jersey barrier and stone, water line leaks repaired and pipe extended to inside jersey barriers BMPs provided for Golf Course equipment wash areas and stock piles (maintain vegetative growth, no cleaning or chemical use, stoned to prevent erosion)
6/26/2014	Non-Hazardous Spill Response General Procedures
7/2/2014	IDDE local law attorney certification letter dated 7/1/2014
7/3/2014	Construction and Post-Construction local law attorney certification letter dated 7/3/2014
7/3/2014	3 <sup>rd</sup> Party Certifications signed on 5/12/2014 by Stephen Miller Contractors, Inc., Bohl Contracting, Hershberg & Hershberg
7/23/2014	Documentation and photographs of DGS Composting Facility removed old driveway and re-graded to create a drainage/retainage pit to hold and filter water Confirmation that floor drains in the Hackett Park restrooms are connected to the sanitary sewer Dye test results for Normanskill Farm for drain downhill from manure pile to grassed depressed area west of the barn
8/26/2014	Facility Self-Audit checklists for Berkshire Boulevard Pump Station, Deaware Avenue 2 Pump Station, Boat House, Delaware Avenue 1 Pump Station, Corning Preserve Pump Station and Boat House, Engine 10 Station conducted on 7/21/2014 to 8/31/2014
8/26/2014	Facility Self-Audit checklists for I-90 Yardboro Avenue Pump Station, Loudonville Reservoir-Gate House AB, Gate House C, Main Guard House, Guard House Shed, Storage Building, UV Disinfecting Building conducted on 7/30/2014 and 8/6/2014
8/26/2014	Facility Self-Audit checklists for North Boulevard, ParCircle Pump Station, South Pearl Pump Station, West Station Engine 4 Training Center, Olympic Acres Pump Station, Snow Dock Pump Station, St Agnes Lane, Westland Hills Park Splash Pad, Lowell Pump Station and Meadow Lane Pump Station and Wilan Lane Pump Station conducted on 7/30/2014 to 8/7/2014
8/26/2014	ORI Field Sheet for Landfill conducted on 7/21/2014 and other Landfill relevant updates, ORI Field Sheet for Golf Course conducted on 7/18/2014 for 28 outfalls
8/26/2014	Updated facility inventory within MS4 drainage area
8/27/2014	Facility Self-Audit checklists for 6 Mile Water Works, AFD Repair Shop, Albany Water, Corp. Circle Pump Station, DGS, Hackett Park, Landfill, McCormack Road Pump Station,

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	Pinehurst Pump Station, New Scotland Woods Pump Station, Golf Course, Woodville Pump Station, Turning Point Pump Station and Stevens Farm (Normanskill Farm) conducted on 7/9/2014 to 8/7/2014
8/27/2014	Updated City of Albany MS4 outfall map
8/27/2014	Photograph of used oil tank at the Water Department facility with roof, walls and secondary containment
8/28/2014	Facility Self-Audit checklist for 35 Erie Boulevard dated 8/1/2014
9/2/2014	Inventory of 14 post-construction practices and annual O&M letters to privately maintained practices
9/2/2014	Letters to 11 construction permittees who have not filed NOTs and have completed construction dated 9/2/2014
10/7/2014	Stevens Farm/Normanskill Farm dye test photographs

**E. Potential Violations Identified at the Time of the Audit**

1. Part VII.A.3.d of the Permit requires all permittees to conduct an outfall reconnaissance inventory, as described in the EPA publication entitled “Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment,” addressing every outfall within the urbanized area and additionally designated area within the permittee’s jurisdiction at least once every five years, with reasonable progress each year. The NYSDEC SPDES MS4 General Permit GP-0-08-002 with the effective date of May 1, 2008, includes this requirement, therefore, the five year deadline was May 1, 2013. At the time of the Audit, the City had not conducted outfall reconnaissance inventory at the outfalls identified after May 1, 2013 at the golf course. Subsequent to the Audit, the City provided EPA with documentation of outfall reconnaissance inventory that had been conducted at the outfalls at the golf course on July 18, 2014. The City is required to continue conducting outfall reconnaissance inventory at every outfall at least once every five years in accordance with Part VII.A.3.d of the Permit.
2. Part VII.A.5.a.vi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that maintains an inventory of post-construction stormwater management practices within the MS4’s jurisdiction. At a minimum, it must include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations. At the time of the Audit, the City did not have an inventory of post-construction controls as required by Part VII.A.5.a.vi. Subsequent to the Audit, the City provided EPA with a post-construction stormwater management practices inventory on September 2, 2014 which contained fourteen (14) practices.
3. Part VII.A.5.a.vii of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspections to ensure that practices are performing properly. In accordance with the 2003 permit, the City was required to develop and have fully implemented its SWMP by January 8, 2008. The City’s SWMP Plan states that post-construction inspections will be conducted

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annually. At the time of the Audit, City representatives stated that the City owned post-construction practice located at the Reserve at Whitehall Pointe had been inspected in the summer of 2013. Subsequent to the Audit, the City identified thirteen (13) additional post-construction controls installed since 2003 which may be privately owned and have not been inspected by the City. Additionally, subsequent to the Audit the City identified a City-owned detention basin at the Normanskill Farm (Stevens Farm).

4. Part VII.A.6.a.i of the Permit requires all permittees to develop (for newly authorized MS4s) and implement a pollution prevention/good housekeeping program for municipal operations and facilities that addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. In accordance with the 2003 permit, the City was required to develop and have fully implemented its SWMP by January 8, 2008. At the time of the Audit, EPA inspectors observed the locations operated by the City that contribute or potentially contribute POCs to the small MS4 system. Subsequent to the Audit, the City implemented practices to address the pollutant sources. The City must continue to implement pollution prevention practices to prevent pollutants from entering the MS4 at the following locations:
  - a. At the Water Department, a used oil tank outside the mechanic shop immediately uphill from an unprotected catch basin (see photograph RIMG0032.JPG). Subsequent to the Audit, the City installed a roof and secondary containment at the used oil tank;
  - b. At the Albany Fire Department Repair Shop, an uncovered dumpster outside containing waste and leaking uphill from an unprotected catch basin (see photograph RIMG0062.JPG);
  - c. At the Department of General Services, a trench drain located at the loading area connected to the MS4 (see photograph RIMG0091.JPG). Subsequent to the Audit, the City added this location to routine inspection and maintenance of the property;
  - d. At the Composting Facility, EPA inspector McEathron observed brown water in a drainage ditch connected to the MS4 immediately downhill from the compost piles, at the time of the Audit (see photographs RIMG0103.JPG, RIMG0105.JPG, and RIMG0109). Subsequent to the Audit, the City moved the shed, jersey barriers and silt fencing to provide a continuous boundary between the compost piles and the drainage ditch; and
  - e. At the Capital Hills Golf Course, cart and equipment rinse water, unroofed fueling pump, unroofed waste oil tank, soda can observed being emptied down drain, stockpile runoff, used oil containers lacking secondary containment in shop, all uphill from stormwater drainage structures (see photographs IMG\_0039.JPG, IMG\_0057.JPG, IMG\_0059.JPG, and IMG\_0071.JPG). Subsequent to the Audit, the City constructed a roof over the waste oil tank, reconstructed the roof of the shop, and put used oil containers on spill pallets.
5. Part VII.A.6.a.ii of the Permit requires that all permittees must at a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMP to: determine the sources of pollutants potentially generated by the permittee's



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operations and facilities and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already. At the time of the Audit, the City had not conducted self-assessments at all relevant municipal operations, including the golf-course. Subsequent to the Audit, the City provided EPA with documentation of self-assessments that had been conducted at the remaining municipal operations in July and August 2014. The City is required to continue performing self-assessments at least once every three years.

## **F. Areas of Concern and Recommendations**

1. Part IV.A of the Permit states that all permittees under GP-0-08-002 must have prepared a Stormwater Management Program (“SWMP”) Plan documenting modifications to their SWMP. At the time of the Audit, EPA identified inconsistencies between the City’s SWMP Plan and actual City implemented practices as detailed below. In addition, the City has developed new procedures, inventories and best management practices since the Audit. The City should revise its SWMP Plan to accurately reflect the current programs implemented by the City, including measurable goals and the items listed below:
  - a. The City’s SWMP Plan states, “The City of Albany distributes 0 publications.” However, the City of Albany distributes publications via the two (2) kiosks and through its pet waste and Patroon Creek initiatives. The City should consider tracking the number of pamphlets distributed via the kiosks as a measurable goal;
  - b. The City’s SWMP Plan states, “The City will inspect construction sites on an at least annual basis.” However, the City of Albany did not document each SWPPP inspection;
  - c. The City’s SWMP Plan states, “The City will sweep 0% of jurisdictional parking lot acreage 0 times.” However, the City of Albany sweeps 15.7 acres of parking lots at a minimum of once every two months;
  - d. The City should consider tracking Household hazardous waste collection and salt usage numbers as measurable goals; and
  - e. The City should consider documenting and tracking material collected from catch basin and street sweeping and brought to landfill as a measurable goal.
2. Part IV.G of the Permit state that when an MS4 relies upon any third party entity to develop or implement any portion of its SWMP, the MS4 must, through a signed certification statement or agreement provide adequate assurance that the third parties will comply with Permit requirements. At the time of the Audit, the City did not have certifications or an equivalent for third parties that perform work for the City has part of the SWMP. Subsequent to the Audit, the City provided EPA with copies of third party certifications signed by Stephen Miller Contractors, Inc., Bohl Contracting and Hershberg & Hershberg on May 12, 2014. The City utilizes additional third parties, such as Blue Diamond which empties the oil/water separator at the Water Department. The City must ensure that all third parties relied upon for MS4 permit compliance sign the certification statement or equivalent.

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3. Part VII.A.4.a.i of the Permit requires that all permittees develop (for newly authorized MS4s), implement and enforce a program that provides equivalent protection to the NYSDEC SPDES Construction General Permit (“CGP”). In accordance with the 2003 permit, the City was required to develop and have fully implemented its SWMP by January 8, 2008. Subsequent to the Audit, the City sent notification letters dated September 2, 2014 to eleven (11) construction sites where construction had been completed but a Notice of Termination had not been submitted to the NYSDEC. The City is required to continue enforcement escalation procedures as developed in the SWMP Plan until each of the sites comes into compliance with the CGP.
4. Part VII.A.4.a.xi of the Permit requires all permittees to develop (for newly authorized MS4s), implement and enforce a program that ensures that construction site operators have received erosion and sediment control training before they do work within the MS4’s jurisdiction and maintain records of that training. At the pre-construction meeting the City should document review of the four-hour training certification, confirm NOI submission and discusses City requirements with the developer to demonstrate that this Permit requirement is being met.
5. Part VII.A.6.a.i of the Permit requires all permittees to develop (for newly authorized MS4s) and implement a pollution prevention/good housekeeping program for municipal operations and facilities that addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. In accordance with the 2003 permit, the City was required to develop and have fully implemented its SWMP by January 8, 2008.
6. At the time of the Audit, EPA identified inconsistencies between the City’s Annual Reports submitted to the NYSDEC and the actual City implemented practices as detailed below. The City is required to provide clear and accurate information in the Annual Reports submitted to NYSDEC.
  - a. The 2013 and 2014 Annual Reports submitted by the City are listed blank for phosphorus and nitrogen applied in chemical fertilizer and for pesticide/herbicides applied. However, fertilizers and pesticides are applied to City properties including the golf course. The amounts should be reported in Annual Reports.
  - b. According to City representatives, numbers provided in the submitted Annual Reports are a combination of both CSS and MS4 portions of the system, for example street sweeping and catch basin inspections. The City should report numbers relevant to the MS4 portion of the City and when not possible the City should specify that the number represents the CSS and MS4 for clarity.
  - c. According to City representatives, construction site enforcement and identified illicit connection numbers were carried over from year to year in the submitted Annual Reports. The numbers reported in each annual report should reflect new cases during that reporting year.
7. According to City representatives, the City’s MS4 may have interconnections with other MS4s, however, these interconnections have not been mapped. The City should identify and

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map MS4 interconnections and have an intermunicipal agreement regarding the MS4 where interconnections are identified.

8. EPA inspectors observed locations described below owned and operated by the City that contribute or potentially contribute pollutants to the soil and/or groundwater. The City should implement good housekeeping practices that ensure that the groundwater is not contaminated at City facilities by preventing pollutants from entering the ground and by cleaning up spilled material as well as ensure that vegetation and barriers are maintained to prevent these locations from discharging to surface water:
  - a. At the Water Department facility, EPA inspectors observed waste in the stock pile area in an unpaved portion outside (see photograph RIMG0037.JPG); and
  - b. At the Normanskill Farm (Stevens Farm), two (2) catch basins and a trench drain to a forested area and to a detention basin onsite but could potentially overflow (see photographs IMG\_0081.JPG and P6050102.JPG).
9. At the time of the Audit, EPA inspector McEathron observed hazardous waste, including pesticides at the electronic waste drop off location at the Department of General Services Facility (RIMG0074.JPG). The e-waste collection area is located uphill from catch basins at the base of the driveway. City of Albany representatives, removed the hazardous waste at the time of the Audit for proper disposal. According to City representatives, this location is monitoring on an at least daily basis to ensure that electronics that are dropped off are stored in the locked bin and any other types of waste are picked up and disposed of properly. The City should ensure that any waste at this location is not exposed to stormwater.
10. According to City representatives and observations at the time of the Audit, stormwater from the roof at the Albany Fire Department Repair Shop is connected via pipes to the floor drains and then combines with the sanitary from the bathroom and then enters the sanitary sewer system (see photograph RIMG0058.JPG). According to City representatives, the floor drains back up when it rains. At the time of the Audit, EPA inspectors observed oil stains on the floor of the garage. Stormwater entering the sanitary sewer system is a source of inflow and reduces capacity of the system for conveying sanitary sewage during rain events. Additionally, flooding in the garage could potentially carry oil and other pollutants on the floor of the garage down the driveway and to the MS4. The City should evaluate disconnecting the roof drains from the sanitary sewers.

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**Attachment A**

**The City provided EPA Region 2 with copies of the following materials:**

1. City of Albany IDDE Program Procedures dated 5/29/2014;
2. Construction Site Inventory;
3. Construction Site Inspection Report and Enforcement Actions Inventory;
4. City of Albany Sewer System Delineation Map dated 5/7/2014;
5. City of Albany Outfall Map dated 5/16/2014;
6. City of Albany Outfall list with lat/long;
7. Construction Site Stormwater Inspection Procedures dated 5/31/2014;
8. Stormwater Enforcement Procedures;
9. SWPPP Review Procedures;
10. SWPPP Application Review Checklist;
11. Capital Hills at Albany Facility Self-Audit dated 5/14/2014;
12. Marathon Point Notice and Order dated 12/9/2011;
13. Industrial Park Road cross connection with Patroon Creek dye testing information and sewer system schematics, Inspection Report dated 7/15/2009, NOV dated 4/30/2009;
14. Commerce Park Inspection Reports dated 6/3/2009 and 7/10/2009, NOV dated 4/30/2009;
15. Notification to Cease Illicit Discharge letter dated 3/28/2013 to Duffy's Taxi, investigation report dated 2/26/2013;
16. Chapter 259 Pesticide City Ordinance adopted 12/7/1998 and amended 6/6/2011;
17. Chapter 133 Article XIII Illicit Discharges, Activities and Connections to the MS4 City Ordinance adopted 1/24/2008;
18. Chapter 133 Article XIV Stormwater Management and Erosion Control City Ordinance adopted 8/4/2008;
19. 2012 and 2013 pesticides used by Erlich Pest Control at Capital Hills at Albany;
20. 2011, 2012 and 2013 pesticides used by Capital Hills at Albany;
21. Commercial Waste Management...How to Prevent Water and Storm Sewer Pollution flyer;
22. City of Albany, NY Summary of Good Housekeeping and Municipal Operations;
23. City of Albany MS4 Permit Implementation Responsibility Flow Chart;
24. Google Analytics 3/10/2013-3/9/2014 for Coalition website;
25. Target Audience Worksheet dated 6/3/2014;
26. Coalition "Where Have We Been and Where Are We Going" handout dated 3/21/2014;
27. Notice of Intent dated 7/1/2003;
28. Acknowledgement of Notice of Intent letter from NYSDEC dated 7/15/2003;
29. 2014 List of City Parks and Green Space;
30. Adjacent MS4s Map dated 5/16/2014;
31. Adjacent MS4's list;
32. Storm Water Management Program City of Albany dated 5/22/2013;
33. Handouts and flyers: City Codes Reminder, City Dog Park, City of Albany Compost Facility, Garbage collection, Household Hazardous Waste & Electronics Drop-off Days, Household Spring Cleanup for 2014, Leaf collection, City of Albany Waste Collection and Recycling Program;
34. City of Albany Facilities inventory within MS4;
35. MCM 6-9 Staff Training summaries;

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- 36. Training summaries for Joseph Coffey, Justin Schievelbein, Mihaela Bruma, and Maryella Davenport; and
- 37. Salt usage 2009 – 2013, Sweeper and Snow Routes Map dated 2004.

## Attachment B

Photographs of the notable observations at the City facilities:



IMG\_0039.JPG – Golf cart rinsing location and adjacent catch basin at Golf Course



IMG\_0057.JPG – Vehicle fueling station at Golf Course

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IMG\_0059.JPG – Waste Oil container at Golf Course maintenance area



IMG\_0071.JPG – Fuel and other containers without secondary containment in maintenance garage at Golf Course, dark staining observed on the floor



IMG\_0081.JPG – Catch basin downhill from the barnyard at the Normanskill Farm



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P6040102.JPG – Trench drain downhill from manure storage pile at the Normanskill Farm



RIMG0032.JPG – Catch basin downhill from the waste oil container at the Water Department



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RIMG0037.JPG – Stock piles and ponding water behind the Water Department



RIMG0058.JPG – Roof drain pipe connected internally to the floor drains and sanitary sewer line at the Fire Department repair shop off Erie Blvd



RIMG0062.JPG – Uncovered dumpster uphill from catch basin in the road at the Fire Department repair shop off Erie Boulevard

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RIMG0074.JPG – Hazardous liquids including pesticides at the electronics pick up station at the Department of General Services



RIMG0091.JPG – Trench Drain at the Department of General Services loading area



RIMG0103.JPG – Dark brown water and foam flowing from the drainage ditch and into a pipe connected to the MS4

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RIMG0105.JPG – Dark brown water in the drainage ditch adjacent to the Composting Facility



RIMG0109.JPG – Hose water and stormwater runoff location for composting area to drainage ditch, adjacent to the DGS Facility